

Order

Michigan Supreme Court
Lansing, Michigan

May 1, 2009

Marilyn Kelly,
Chief Justice

137627

Michael F. Cavanagh
Elizabeth A. Weaver
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 137627
COA: 245099
Van Buren CC: 00-011976-FC

JUNIOR FRED BLACKSTON,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the October 7, 2008 judgment of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the questions presented should be reviewed by this Court.

MARKMAN, J. (*concurring*).

For the reasons stated in my dissenting opinion in *People v Blackston*, 481 Mich 451 (2008), I continue to believe that the trial court abused its discretion here in excluding the recanting statements and that the error was not harmless. However, because this Court has already addressed this issue and my position did not prevail, and because I agree with the Court of Appeals that defendant's remaining issues are without merit, I concur in this Court's decision to now deny leave to appeal.

KELLY, C.J., joins the statement of MARKMAN, J.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

May 1, 2009

Corbin R. Davis

Clerk